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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,967	12/15/2003	Daniel McPherson	MCP-2	1295

29698 7590 10/27/2005

LEIGH P. GREGORY
ATTORNEY AT LAW
PO BOX 168
CLEMSON, SC 29633-0168

EXAMINER

NGUYEN, JOHN QUOC

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/734,967	Applicant(s) MCPHERSON, DANIEL	
	Examiner John Q. Nguyen	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-20 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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The drawings are objected to because at least reference numeral 12 is not shown.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outer covering of claims 13-16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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The disclosure is objected to because of the following informalities: it appears that "9" (page 6, line 2) should be --7--. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that a comma should be inserted after "region" (claim 1, line 4), that --radially--should be inserted after "extending" (claim 7, line 2), that --circumferentially--should be inserted after "spaced" (claim 12, line 2; claim 20).

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcell (US-3974980) in view of Wilson (US-4973011).

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Marcell discloses an apparatus having substantially all the claimed features including base 10, support lines 11, and an outer wall provided by the coil container. The coil of wire is deemed an intended use of the apparatus. Wilson discloses another similar apparatus in which the wire 46 being dispensed is contained in a container 44 having an outer peripheral wall at the outer perimeter of the rotatable base 40. The outer wall rotates along with the wire coil. Note also inner wall 17. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Marcell with an outer peripheral wall having a height at least equal to or greater than the coil height as taught by Wilson to prevent the wire from falling out of the base while the base is rotating and with an inner wall as taught by Wilson to help keep the coil in coil-shape and to facilitate dispensing. Note the center compartment provided by the coil containers and inner wall. The provision of an upper ridge at the top of inner wall 17 would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference and design criteria (such as to close off the top opening except for the passage of element 30 to keep out dirt).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcell in view of Wilson as applied to claims 1-7 and 12 above, and further in view of Noffke (US-3017136).

Noffke discloses another similar apparatus having metal chain support lines. It would have been obvious to a person having ordinary skill in the art to alternatively provide the

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apparatus of Marcell modified as above with metal chain to obtain more load bearing capacity.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcell in view of Wilson as applied to claims 1-7 and 12 above, and further in view of Marcell (US-3729092).

Marcell discloses another similar apparatus having cord or rope support lines. Polymeric cord/rope are old and well known (Official notice is hereby taken of such) and available commercially. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of Marcell modified as above with polymeric cord/rope to take advantage of the commercial availability of such.

Claim 13-17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcell (US-3729092).

Marcell discloses an apparatus having substantially all the claimed features including the "center compartment" radially interior of where the lines 2 connect to the base 1. Plastic sheeting wraps and straps are old and well known in the art and Official notice is hereby taken of such. It would have been obvious to a person having ordinary skill in the art to provide an outer covering such as plastic wrap, strap, or box to wrap/box the apparatus and dispensing material to facilitate transportation/storage. Marcell discloses cord or rope support lines. Polymeric cord/rope are old and well known (Official notice is hereby taken of such) and available commercially. It would

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have been obvious to a person having ordinary skill in the art to provide the cord/rope as polymeric cord/rope to take advantage of the commercial availability of such.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcell (US-3729092) in view of Wilson (US-4973011).

Wilson has been advanced above. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Marcell with an inner wall as taught by Wilson to help keep the coil in coil-shape and to facilitate dispensing.

Claims 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art of record does not show or render obvious an apparatus as recited in claims 8 and 9.

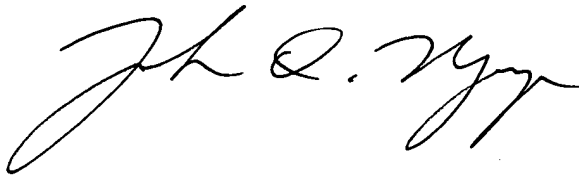
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John Q. Nguyen". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

John Q. Nguyen
Primary Examiner
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